

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

AFFIDAVIT OF JOHN T. KOMEIJI

STATE OF HAWAII )  
CITY AND COUNTY OF HONOLULU )  
 ) SS.

JOHN T. KOMEIJI, being first duly sworn on oath,  
deposes and says:

1. I am an attorney licensed to practice law before all state and federal courts in the State of Hawaii and am one of the attorneys representing Defendant ALIXPARTNERS LLP ("ALIXPARTNERS") in the above-entitled matter.

2. I make this Affidavit based upon personal knowledge, and am competent to testify as to all matters stated herein.

3. Pursuant to Federal Rules of Civil Procedure  
54(d)(1) and (2), and LR 54.2 and 54.3 of the Rules of the United  
States District Court for the District of Hawaii, this Affidavit

sets forth the attorneys' fees and costs incurred by ALIXPARTNERS in defending against the claims alleged by Plaintiff WAYNE BERRY in the above-entitled case.

4. Attached hereto as Exhibit "A" is a true and accurate copy of the Bill of Costs being filed concurrently herewith reflecting the costs incurred by Watanabe Ing & Komeiji LLP as counsel for ALIXPARTNERS in this matter.

5. ALIXPARTNERS incurred attorneys' fees of approximately \$53,065.00 and costs totaling \$2,000.01 in defending ALIXPARTNERS interests in this case, defending against Plaintiff's summary judgment motion, and in bringing a Countermotion against Plaintiff. Based on my experience, the amount of time the attorneys spent, and the resulting fees and costs, were both reasonable and necessary.

6. Attached hereto as Exhibit "B" is a true and accurate copy of redacted copies of invoices for legal services rendered and other costs incurred by Watanabe Ing & Komeiji LLP as counsel for ALIXPARTNERS in this matter.

7. Redactions to Exhibit "B" were made to preserve the confidentiality of attorney-client privileged communications contained in the invoices for legal services rendered. Should the Court desire it, Watanabe Ing & Komeiji LLP will submit *in camera* unredacted bills.

8. In this matter, my hourly rate is \$275. The applicable hourly rates for the other lawyers who worked on this

case are: Gregory Y.P. Tom at \$250.00 and Karen Y. Arikawa at \$225.00. Based upon my experience, I believe that the hourly rates charged and the amount of fees incurred for the services performed by each of the foregoing attorneys are within the usual and customary parameters for performing such services in a case of this complexity.

Relevant Qualifications and Experience

9. I received my J.D. degree from the University of California, Hastings College of the Law in 1979. I have practiced in the area of litigation since 1979, and have obtained extensive experience in telecommunications law; defense of commercial, professional malpractice, and personal injury matters; and insurance coverage issues.

10 Gregory Y.P. Tom was a former partner at Watanabe Ing & Komeiji LLP who obtained his J.D. from the University of Hawaii, William S. Richardson School of Law in 1993. Mr. Tom's practice areas include commercial, insurance defense, and construction litigation.

11. Karen Y. Arikawa is an associate at Watanabe Ing & Komeiji LLP. Ms. Arikawa received her J.D. from the University of Hawaii, William S. Richardson School of Law in 2001. Ms. Arikawa practices in the areas of commercial and insurance defense litigation.

Description of Services Rendered

12. I reviewed and approved the time charges set forth in the itemization of work performed and I believe that the time spent and expenses incurred were reasonable and necessary under the circumstances.

13. In summary, the services rendered, as itemized per LR 54.3(d)(1), are as follows:

<u>JOHN T. KOMEIJI</u>	<u>Hours</u>
A. Case Development, Background Investigation and Case Administration	19.8
B. Pleadings	0.8
D. Depositions	1.3
E. Motions Practice	9.9
F. Attending Court Hearings	2.3
<b>TOTAL HOURS</b>	<b>34.1</b>
<b>Total Fees for J. Komeiji @ \$275/hr</b>	<b>\$9,377.50</b>

<u>GREGORY Y.P. TOM</u>	<u>Hours</u>
A. Case Development, Background Investigation and Case Administration	19.8
D. Depositions	27.5
E. Motions Practice	86.9
F. Attending Court Hearings	11.9
<b>TOTAL HOURS</b>	<b>146.1</b>
<b>Total Fees for G. Tom @ \$250/hr</b>	<b>\$36,525.00</b>

<u>KAREN Y. ARIKAWA</u>	<u>Hours</u>
A. Case Development, Background Investigation and Case Administration	14.4
E. Motions Practice	17.1
<b>TOTAL HOURS</b>	<b>31.5</b>
<b>Total Fees for K. Arikawa @ \$225/hr</b>	<b>\$7,087.50</b>

14. The amount of time spent by the attorneys defending ALIXPARTNERS in this case appears to be reasonable.

Description of Costs

15. The costs incurred in defending ALIXPARTNERS include the following:

(1) Photocopies @ \$.13 per page . . . . .	\$645.71
(2) Transcripts	
Wayne Berry Vol. 1, 5/18/06 . . . . .	\$626.80
Wayne Berry Vol. 2, 5/19/05 . . . . .	\$496.65
(3) Postage . . . . .	\$5.85
(4) Court Fees . . . . .	\$225.00
<b>TOTAL COSTS . . . . .</b>	<b>\$2,000.01</b>

16. Based on my experience, these costs were reasonable and necessarily incurred to defend ALIXPARTNERS in this case.

17. This Affidavit and the attached Motion for Attorneys' Fees and Costs are submitted in good faith and not for any improper purpose such as unjust delay or confusion.

I declare under penalty of law that the foregoing is true and correct to the best of my knowledge.



JOHN T. KOMEIJI

Subscribed and sworn to before me  
this 20<sup>th</sup> day of March, 2006.

Ms. Cindy C. Uehara  
Notary Public, State of Hawaii CINDY C. UEHARA  
My Commission Expires: 3/8/07